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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Forty-first session

PROVISIONAL SUMMARY RECORD OF THE 939th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 3 August 1992, at 3 p.m.

Chairman: Mr. VALENCIA RODRIGUEZ

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The meeting was called to order at 3.10 p.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 7)

Fifth, sixth, seventh and eighth periodic reports of Belgium (CERD/C/194/Add.3 and HRI/CORE/51)

1. At the invitation of the Chairman, Mr. Reyn, Mr. Van Craen, Mr. Wilmotte and Mr. Sant'Angelo (Belgium) took places at the Committee table.

2. Mr. REYN (Belgium) informed the members of the Committee that Belgium particularly regretted its backlog of reports since it attached great importance to the bodies and mechanisms established by the United Nations for the protection and promotion of human rights. The delay was mainly due to the State reform process and the rapid pace of constitutional and legislative change in the country. In the space of about 10 years, the Belgian State had gone over from a unitary structure to a federal system, which had brought about institutional changes that were still under way.

3. The report of Belgium was in three parts. The first part (CERD/C/194/Add.3) covered the legal provisions the country had adopted under the various articles of the Convention, the second part (HRI/CORE/51) contained political, socio-economic and juridical information, compiled in accordance with the consolidated guidelines concerning the reports of States parties, and the third part consisted of a series of documents intended to supplement the information in the main report.

4. Drawing attention to some of the components of its human rights activities to which the Belgian Government attached the utmost importance, he said that Belgium had always condemned all forms of racial discrimination and rejected all forms of racial intolerance as being a violation of the fundamental rights of the individual. Within its borders, it was constantly at pains to ensure compliance with its obligations, particularly those deriving from the commitments it had undertaken, and it had taken a number of measures to guarantee the rights of every individual. Belgium continued to support in the various forums all measures that would ensure the smooth functioning of the monitoring mechanisms and was in favour of in-depth, continuous, open and frank dialogue with the various competent bodies, including the Committee for the Elimination of Racial Discrimination, in order to ensure a better flow of information and deeper mutual understanding.

5. Mr. WILMOTTE (Belgium), outlining some of the fundamental principles governing the system of legal protection for aliens residing in Belgium, drew the Committee members' attention to the Belgian Nationality Code as established by an Act of 1984, taking into account Belgium's international obligations in that area. The Code, which had established the principle of equality between men and women for the acquisition of nationality, had been amended in July 1991 by an Act providing for automatic acquisition of Belgian nationality by third-generation children, in other words children born in Belgium of parents who had themselves been born in the country.

6. On the subject of equal treatment, he recalled that article 128 of the Constitution stated that any alien on Belgian territory enjoyed the protection accorded to persons and property, unless otherwise specified by the law. There were special regulations applicable to aliens with regard to entry, residence and removal. It should be noted in that connection that since 15 July 1992, it had been the Minister of the Interior, and no longer the Minister of Justice, who was competent to deal with questions relating to the entry, residence and removal of aliens. Those regulations might appear to be discriminatory, but the principle of equal treatment was the cornerstone of Belgian policy with regard to aliens. The latter enjoyed the same constitutional freedoms as Belgian citizens. That constitutional principle was underpinned by the international instruments which Belgium had ratified, such as the Convention for the Protection of Human Rights and Fundamental Freedoms, the International Covenant on Civil and Political Rights and the International Convention on the Elimination of All Forms of Racial Discrimination.

7. With regard to the juridical effects of international instruments on the domestic legal system, he said that, in the absence of any relevant provision in a treaty, it was for the judge to determine whether the treaty was directly applicable. As to determining the status of international instruments in the hierarchy of laws in Belgium, the various attempts made to incorporate into the Constitution a general principle regarding the juridical validity of treaties in relation to that of domestic legislation had been unsuccessful. The matter had been settled by case law; the Supreme Court of Appeal (Cour de cassation), which was the highest court, had recognized the primacy of international instruments over national laws even if the latter had been

adopted after the instrument in question. In other words, Belgian citizens and aliens alike could directly invoke the provisions of international treaties before the administrative authorities and courts, and judges were obliged to take them into consideration.

8. Mr. SANT'ANGELO (Belgium), giving further information concerning anti-racist measures taken in Belgium, said that an Office of the Crown Commissioner for Immigration Policy had been set up by the Government just over three years previously. Under the authority of the Prime Minister, it was responsible for considering the situation of immigration and immigrants and recommending appropriate measures. The Crown Commissioner was assisted in his duties by an Interministerial Conference on Immigration, headed by the Prime Minister. The agenda of the Conference was drawn up by the Office of the Commissioner, which meant that the latter could include in it any matters it felt needed urgent attention. The Office was also responsible for explaining to the general public, in other words to immigrants and native Belgians alike, the recommendations that were submitted and the decisions taken.

9. There were no ethnic minorities in Belgium and immigrants fell into two major categories: immigrants of Moroccan origin and immigrants of Turkish origin. Those were the two communities most often victimized and subject to discrimination, racism and xenophobia. While attaching due importance to the Act of 30 July 1981 whose purpose was to suppress certain acts based on racism or xenophobia, the Office of the Crown Commissioner was mainly concerned with looking into the social, economic and cultural causes of discrimination, and recommended measures to foster the integration of immigrants into society. Those measures had two objectives: equality of rights and equal treatment for all citizens.

10. Mr. FERRERO COSTA, rapporteur for Belgium, welcomed the resumption of the dialogue with Belgium, which was submitting four reports together, covering the period 1984-1990. He thanked the Belgian Government for the large amount of information provided for the Committee in writing, and the Belgian delegation for the additional information presented orally.

11. He did not think, however, that a State should be so slow in submitting its reports, and recalled that article 9 of the Convention and the Committee's guidelines specified a time-limit for reporting. The reason given by Belgium,

namely its constitutional and legislative reforms, did not justify such a backlog, since a State embarking upon a reform process should, on the contrary, keep the Committee regularly informed of progress made. As to the shortage of staff referred to by the Belgian Government (CERD/C/194/Add.3, para. 1), he pointed out that the Committee had already made it clear on several occasions that the Centre for Human Rights could provide assistance to States which had difficulty in preparing their reports. He hoped, therefore, that Belgium would be able to submit its following report within the prescribed time-limit.

12. As the Belgian delegation had pointed out, the report before the Committee consisted of three parts - a basic information document (HRI/CORE/51), the eighth periodic report (CERD/C/194/Add.3), combinng the fifth, sixth, seventh and eighth periodic reports due from Belgium, and annexes which were unfortunately not available in Spanish.

13. The basic document and the report alone represented 71 pages of information, from which it emerged clearly that the case of Belgium was a very complex one, there being, on the one hand, the Flemish, Walloon and German-language communities and, on the other, aliens, who accounted for 9 per cent of the population. The information provided by Belgium also included a description of constitutional and legislative reforms, as well as laws already in force, such as the 1981 Act for the repression of certain acts based on racism or xenophobia. That Act had already been considered by the Committee, but warranted further consideration. Since he could not review all the information provided, he would confine his comments to a few points and would leave it to other members of the Committee to make their own comments.

14. With regard, first of all, to the core document constituting the first part of the State party's reports (HRI/CORE/51), he noted that Belgium was made up of three regions (the Walloon Region, the Brussels-Capital Region and the Flemish Region) and four linguistic communities (one French-speaking, one Dutch-speaking, one German-speaking and one bilingual community, that of Brussels), which gave rise to a complex institutional system, incorporating checks and balances.

15. He noted that Belgium provided a large number of statistics on aliens living on its territory, but very few on the national population. He would therefore like to have details on the situation of nationals, the relations

between the various linguistic communities and their distribution in each of the three regions of Belgium. In the core document, reference was made to two major communities, the French-language community and the Dutch-language community, and he wondered about the situation of German-speaking citizens and that of other national minorities and about how they could protect their rights.

16. He also wished to have further information on the Court of Arbitration referred to in paragraph 42 of the core document. How did it function? Had any cases been brought before it, and, if so, what decisions had it handed down?

17. Referring to paragraph 44 of the core document, he said that the characteristic feature of a federal State structure was the existence of two distinct legal orders, that of the federal entity and that of its component parts, each with its own system of legislative and executive rules and bodies. That was the case of Belgium, where the communities and the regions were authorities with the same status as the national authority. He wondered how the system worked between the three regions and four linguistic communities of Belgium and whether there was any incompatibility between the laws of the regions and of the communities. He also wondered whether there might not be any conflict between the legislative powers of the various communities and regions and the competence of the Belgian State.

18. On the subject of the automatic incorporation of international instruments into domestic law, he wished to know how the Convention was incorporated into national legislation and how it was implemented.

19. Referring to the Act of 30 July 1981 to suppress certain acts based on racism or xenophobia, referred to in paragraphs 11 to 26 of the report CERD/C/194/Add.3, he asked whether the system of protection for aliens mentioned in paragraph 11 covered citizens as well. The same paragraph stated that it lay with judicial practice to "sift out gradually the meaning of such an act" (of racism or xenophobia). It would be desirable for the Committee to have more ample information on such judicial practice. In paragraph 13, dealing with article 1 of the Act, the broad scope of the Act was underscored; and yet it emerged from paragraph 18 of the report that an offence must be of a public character, which might be regarded as a restriction on the scope of the Act. Some clarification was needed on the question of differentiation,

which, according to paragraph 14, was tolerated whereas discrimination was not. Further information would also be welcomed on jurisprudence in connection with cases brought before the Brussels and Charleroi courts of first instance and the Brussels and Hasselt correctional courts, referred to in paragraph 17. The same applied to the case law mentioned in paragraph 20 (concerning article 2 of the Act) which was based on decisions by the Hasselt and Namur correctional courts and the Liège Court of Appeal.

20. Article 3 of the Act of 1981 did not seem to cover all the provisions of article 4 of the Convention. For instance, in paragraph 22 of the report, reference was made to organizations advocating discrimination which "would cease to exist for lack of members". Did that mean that those associations were acceptable under the law and that it was only the acts of their members that were reprehensible? He pointed out that article 4 of the Convention required organizations of that kind to be declared illegal as such. Information was required on whether there were groups in Belgium which advocated xenophobia and, if so, what action the Government was taking against them.

21. In connection with article 5 of the Act in question, he noted that, according to paragraph 25 (a) of the report, associations combating racial discrimination could go to court if they had "had legal personality for at least five years", which seemed a long time. It would be useful to know whether any legal action had in fact been taken by such organizations.

22. Article 5 of the Convention referred to the question of the right to vote in local elections, a subject dealt with in paragraphs 60 to 66 of the report, from which it emerged that the granting of such a right to nationals of other European Community countries was under consideration. What was the situation regarding other aliens? That was a problem that would certainly arise in other countries of the European Community. Although article 1, paragraph 2, of the Convention stipulated that the Convention did not apply to distinctions made by a State party between citizens and non-citizens, the Convention did apply, according to paragraph 3 of the same article, whenever there was any discrimination against a particular nationality.

23. In paragraphs 67 to 70 of the report, concerning representation through advisory councils and other forms of participation in public life at the local level, reference was made to several aliens advisory bodies; while those were

certainly commendable initiatives, he wished to know whether they actually worked. He also wished to know what were the "other forms of participation" by foreigners in public life at the local level.

24. The report went on to deal with access to employment in the public service. According to paragraph 74, the communes could hire foreigners on a contractual basis. Did that apply only to nationals of countries of the European Community, or to persons of other nationalities as well? With regard to aliens' freedom of opinion, assembly and association, dealt with in paragraphs 80 to 85, he asked what restrictions to those freedoms were provided for under the Act of 15 December 1980. Reference was made to some of those restrictions in paragraph 83, but it would be useful for the Committee to know whether there were any others.

25. On the subject of social legislation concerning migrant workers, he asked in what cases the professional identity card referred to in paragraph 88 of the report was granted or withheld. That was a particularly important point since it emerged from paragraph 89 that it was an offence for a foreign worker not to be in possession of such a card.

26. By way of general comment, he said that it appeared from a study entitled "Measure for Measure" by Ian Forbes and Geoffrey Meade of Southampton University that there was widespread racial discrimination in the countries of the European Community. That study, presented as a comparative analysis of measures taken to combat racial discrimination in the member countries of the European Community, showed that, unfortunately, little progress had been made in that respect and that, to many people's minds, racial discrimination was still a normal way of behaving. It would be useful, in connection with article 5 of the Convention, for the Committee to have more detailed information on the situation in various areas in which racial discrimination might occur. Some information was given at the end of the report, on measures in the areas of housing and health, but it was insufficient.

27. With reference to article 6 of the Convention, the report provided some interesting data. In paragraph 116, for instance, there were statistics on complaints lodged for acts based on racism and xenophobia. It was reported that 1,269 complaints had been lodged between 1981 and 1989, of which 977 had been dismissed without further action, while 12 had led to convictions. That inevitably prompted the comment that the proportion of complaints shelved seemed very high compared with the number of convictions.

28. Finally, he noted that the implementation of article 3 of the Convention, concerning racial segregation and apartheid, was not dealt with in the report, even though the latter covered a period of eight years.

29. Mr. BANTON said that he would have liked the eighth periodic report of Belgium (CERD/C/194/Add.3) to have included, for the reader's convenience, a list of the various annexes referred to in paragraph 3 (c).

30. Referring to paragraph 11, he asked whether the Act of 30 July 1981 also protected citizens against discrimination - for instance, if a Flemish landlord refused to let a room to a Walloon.

31. The statistics in paragraph 116 were somewhat confusing. The total number of complaints for acts of racism or xenophobia should be given year by year so that it could be seen how many complaints had been examined, abandoned, found admissible and acted upon. He was surprised, moreover, that the number of complaints had decreased over time, whereas the number might have been expected to increase as the Act came to be better understood by those it was intended to protect.

32. He also asked for examples showing the kind of protection furnished to complainants. The case of a complaint which had been rejected because a public invitation excluding "wogs" had not been regarded as insulting raised doubts as to the effectiveness of the protections provided. Generally speaking, a total of fewer than 200 complaints a year was astonishingly low. It should be pointed out that, according to a study of the approximately 1,000 complaints per annum in the Netherlands, those complaints represented only the tip of the iceberg. It had been calculated that in the United Kingdom there were about 10,000 cases of racial discrimination a year in the recruitment to employment alone. Should there not be an investigation in Belgium of the true incidence of discrimination and the obstacles which prevented victims from making use of the remedies at their disposal? The Belgian Government might usefully learn from the experience of other European States in that respect.

33. From paragraph 25 onwards, the report dealt at length with the implementation of article 5 of the Convention. It failed to say, however, whether Belgium had eliminated racial discrimination before the courts and in respect of security of person, and, if so, in what manner. There were some remarkable omissions in that part of the report regarding economic, social and

cultural rights. How were people protected against racial discrimination in respect of their rights to free choice of employment, equal pay, trade union membership and housing? Apparently, the National Labour Council had concluded new agreements which were to become law with the issue of a new royal decree; he wished to know whether that decree had been promulgated and how it was proposed to monitor its implementation.

34. Regarding employment in the public service, dealt with in paragraphs 74 to 76 of the report, he asked whether a non-European Community alien could be employed in a subordinate position, for example in the postal service or the fire or prison services. Were there any statistics on the extent to which such services were implementing the policy for integrating aliens or their Belgian-born children into the labour force?

35. After expressing his regret that there was no reference in the report to article 6 of the Convention, he noted that there had been a call for the setting up of a national centre for the integration of immigrant communities, similar to the CRE in the United Kingdom and the LBR in the Netherlands. It would be useful for the Committee to know what had been done to follow-up that proposal.

36. Drawing attention to article 2, paragraph 1 (e), of the Convention, under which each State party "undertakes to encourage ... integrationist multi-racial organizations and movements ...", he asked for information on organizations of that kind in Belgium and the part they played in policy-making.

37. He also referred to a widely publicized case which had occurred in 1987, in which a refugee from Burundi had been murdered by "skinheads" in Louvain. He would like to know what lessons the authorities had learnt from that case and what measures had been taken to avoid a recurrence of such acts.

38. Referring finally to the provision in article 1, paragraph 2, of the Convention to the effect that the Convention did not apply to distinctions made by a State between citizens and non-citizens, he pointed out that that was not so in the case of employers and expressed the hope that the question of protection against discrimination in employment would be more amply dealt with in future reports.

39. Mr. van BOVEN said he was pleased to have the opportunity to consider the case of a neighbouring country, which would not prevent him from voicing criticisms where necessary. Previous speakers had already made detailed and

highly judicious comments, pointing out, for instance, that the previous report dated from 1983 and that an eight-year lapse was far too long. It was true that there were sound reasons for the delay, and he hoped that the next report would be submitted within the prescribed time-limit.

40. Although the report dealt very comprehensively with the de jure situation in Belgium, it left much to be desired as far as the de facto situation was concerned, although some concrete issues did emerge here and there, particularly in the section on immigration policy. The Belgian delegation had described the role of the courts and the place of the Convention in the Belgian legal system, but it would have been very useful for the Committee to be given some information on case law; some of the cases referred to in the report were puzzling, and it would be helpful if the relevant case law were better described in future reports.

41. With regard to the situation in practice, Mr. Sant'Angelo had referred to serious dilemmas facing not only Belgium but also the other countries of western Europe. In that connection, the establishment of the Office of the Crown Commissioner for Immigration Policy was a sound initiative. That body would be called upon to deal with such delicate matters as that of concentrations of migrants: should the policy to be adopted in that regard aim at distributing such persons evenly throughout the country or keeping the communities together? Paragraphs 156 and 158 of the report referred to some of the Crown Commissioner's recommendations on education and housing, and it would be useful for the Committee to be informed, either immediately or possibly in a year or two, of any follow-up to those recommendations.

42. Mr. Ferrero Costa had already spoken, in connection with article 4 of the Convention, about the problem of racist groups or organizations. On that subject, the conclusions of a report by a European Parliament commission of inquiry into fascism and racism in Europe, dating from 1985 but still relevant today, found that there was a large number of racist groups in Belgium, both in the Walloon region - Nouvelle Sparte, Ordre Noir, Front National, etc. - and in the Flemish region, where the Vlamse Blok, in particular, had made a disturbing breakthrough in the November 1991 elections after a xenophobic campaign. According to the report before the Committee some of those groups had been banned as paramilitary organizations but in 1982 a Belgian court had lifted one of those bans. The spectacular growth of movements of that kind

was a matter of serious concern. In the circumstances, what was the Belgian Government's position, with reference to article 4 of the Convention, concerning overtly xenophobic and racist groups? Of course, Belgium did not have the monopoly of such problems, which were to be seen all over Europe, in the west and the east alike.

43. Regarding the right to education, he noted that there were independent subsidized schools in Belgium, many of which were religious schools. Most of them were Christian, but were there also Islamic schools in the Muslim communities settled in Belgium and were they also subsidized? In the case of those communities, religious and racial issues overlapped to a great extent.

44. The Council of Europe, of which Belgium was a member, had recently adopted a declaration on racism and xenophobia, in which it had noted with concern that there were growing signs of racism and xenophobia in Europe, both within the European community and outside it. The Council of Europe had emphasized that it was more than ever the duty of States to combat discrimination in accordance with their commitments within the United Nations, and, in particular, under the Convention on the Elimination of All Forms of Racial Discrimination. Specifically, the Council of Europe had requested the Ministers and the Commission of the European Communities to step up their efforts to combat discrimination and xenophobia and to strengthen the legal protection of nationals of non-member States on the territory of member countries.

45. Finally, he wished to know whether Belgium was intending to make the declaration provided for in article 14, paragraph 1, of the Convention. The declaration was admittedly optional, but since the Council of Europe had requested its member States to strengthen their legal protection arrangements for persons who were victims of discrimination, it would be logical for all those who had not yet done so to make that remedy available to persons or groups of persons claiming to be victims of discriminatory practices covered by the Convention.

46. Mr. de GOUTTES thanked the Belgian delegation for its oral introduction to a report which, although late, contained much interesting information. The problems referred to by Belgium were very similar to those encountered in France, and he would have liked to ask a great many questions, but would confine himself to just a few. In particular, he would not speak about the

very important issues concerning the various communities and regions of Belgium, as they had already been mentioned.

47. His first question, relating to article 4 of the Convention, concerned domestic legislation. Paragraph 12 of the report (CERD/C/194/Add.3), which listed the offences provided for under Belgian legislation, seemed to omit two serious offences covered by the Convention, namely, on the one hand, propaganda based on ideas or theories of superiority of one race or the dissemination of ideas based on racial superiority or hatred, and, on the other, the offence known as revisionism, committed by those who disseminated historical data denying, in particular, the crimes of the Nazi regime.

48. Paragraphs 34 et seq. of the report showed how difficult it was for Belgium to solve the refugee problem. In particular, subparagraph (b) of paragraph 39 described a restriction which seemed to be based on a quota system. He would like to have details of the number of persons who had been denied entry under that restriction. Subparagraph (d) of the same paragraph concerned the administrative maintenance, in places near airports, of asylum-seekers said to have entered Belgium by irregular means. That was a problem which arose in many countries: while investigations were being carried out into the status of the persons concerned, in what kind of place were they kept and what remedies were available to them? It seemed doubtful that it could be asserted a priori, as was done in the report, that those asylum-seekers had entered the country by irregular means; such an assertion could only be made a posteriori.

49. With regard to the Islamic religion, paragraph 95 of the report mentioned a Technical Committee which had been set up on the recommendation of the provisional Council of Elders in order to find a solution to the problem of the appointment of teachers of the Islamic religion; it would be interesting to know the initial findings of the work of that Technical Committee. Similarly, had the Belgian Government had occasion to take a decision on the delicate question of the wearing of the Islamic veil in schools?

50. Regarding judicial proceedings following complaints of racist acts, the report provided comprehensive statistics; they were only figures, however, and no actual cases were described. As other speakers had said, it might be asked, for example, why there had been so few convictions when the number of

complaints was very high. Possibly the complaints were not well formulated or the plaintiffs insufficiently well-informed; there might also, as in other countries, be some reluctance on the part of the judicial authorities to prosecute and convict persons committing that kind of offence.

51. Finally, the situation of immigrants was a matter of concern to all the States of western Europe. It was interesting to note that the basic policy of Belgium in that regard was integration. However, some social indicators of non-integration were needed so that the Committee could appreciate the real situation of minority groups. Rates of unemployment, delinquency, alcoholism, drug addiction, prostitution, etc. were unfortunately, as everyone was aware, very reliable indicators of the extent of those groups' maladjustment to the rest of society, and it would be useful to have them.

52. Mr. WOLFRUM considered the recent constitutional reforms in Belgium to be particularly interesting and an invaluable means of easing tensions between the various population groups. Their implementation could be most instructive for other countries, and their content should be made known, especially to the countries encountering similar problems.

53. Mr. Ferrero Costa had already asked for details of the composition of the population in Belgium. Some general information was provided in that regard, but no details were given about the smallest groups such as, for instance, the German-language group, whose situation had been greatly improved by the recent reforms, or gypsies and persons from former Belgian colonies, whose situation was not mentioned.

54. Judging from the content of paragraphs 21 and 22 of the report (CERD/C/194/Add.3), it was with considerable reluctance that Belgium considered dissolving organizations that were contrary to article 4 of the Convention. The report was rather difficult to understand in that connection; in particular, why was Belgium, which was prepared to restrict freedom of speech, not prepared to impose the same restrictions on freedom of association? He also wished to know whether the authorities were able and willing to take action, where necessary, against certain political parties.

55. Had the Belgian Government made efforts, within the European Community, to combat racism everywhere? It had been affirmed at the beginning of the meeting that the fight against racial discrimination was a common concern and a joint responsibility: was Belgium prepared to invoke article 11 of the

Convention to draw attention to violations committed by other States, and, for instance, to use that means against certain countries which, in Europe itself, did not comply with the Convention?

56. Mr. DIACONU said that Belgium's experience was particularly interesting; its system of regions and communities with their own deliberative and executive bodies made it a State that was no longer unitary but was not quite federal. The reforms described in the report showed that Belgium was undergoing constant change and that it was a laboratory whose achievements, particularly from the standpoint of human rights, could be useful in some ways to others.

57. The Convention had been adopted in 1965; since then, many events had occurred in Europe and throughout the world, and some of them had prompted reactions in Belgium and elsewhere. Migratory flows and the arrival of large numbers of foreigners had had a significant impact; the elections held recently in Belgium had been highly charged and it was necessary, in such a political climate, to take action to guarantee human rights and non-discrimination. The various regions and communities had direct legislative powers that were so broad that there might be discrepancies between them. One community might adopt a more advanced system than another and he therefore wished to know how the Belgian State intended to ensure that there would not be unduly great differences or incompatibilities between the racial discrimination provisions applied in the three regions.

58. The question of the banning of organizations advocating discrimination had been mentioned. In that connection, article 1, paragraph 4, of the Convention did authorize "positive discrimination" in favour of certain groups under certain conditions; were there any provisions of that kind in Belgium, and for the benefit of which groups?

59. Finally, the very interesting question of different treatment of nationals of European Community countries and other aliens had been raised. It was worth noting that, from a legal standpoint, the countries of the Community would increasingly constitute a single State entity, and it was conceivable that by the year 2000 the periodic reports would be submitted by the Community itself rather than by its member States.

60. Mr. ABOUL-NASR, returning to the idea of joint responsibility referred to by Mr. Wolfrum, said that the provisions of article 2, paragraph 1, and article 11, paragraph 1, of the Convention, taken in conjunction, placed

States parties under the obligation to draw the Committee's attention to situations elsewhere which they regarded as violating the Convention. Belgium must therefore be asked not only whether it intended to make the declaration provided for under article 14, but also, given its determination to report human rights violations in Iraq to the Security Council, whether it would give the same attention to other cases of human rights violations, especially cases of racial discrimination, occurring in Europe and other regions.

61. Mr. SONG Shuhua asked whether the Belgian customs authorities took discriminatory action against refugees according to their region of origin, and to which legal provisions those authorities were subject when they committed violations in that regard. He also asked what differences there were between the situation of nationals of States members of the European Community and that of nationals of other States, in respect of employment, living conditions, etc. Were those differences the cause of conflicts between those two categories of aliens?

62. Mrs. SADIQ ALI wished to know, firstly, how many Zairian exiles there were in Belgium and what their status was and, secondly, whether there was any provision for human rights education and training programmes for magistrates, police officers and other public officials dealing with immigrants.

63. Mr. AHMADU asked whether Zairian nationals in Belgium were treated in the same way as other aliens, or differently. Referring to the difficulties encountered by Nigerians in obtaining a visa for entry into the BENELUX countries, and the fact that it was easier to obtain it from the Netherlands Embassy than from the Belgian Embassy, he wondered whether it was a question of covert discrimination or of an irrational division of labour.

64. Mr. RECHETOV thanked Belgium for the realistic, self-critical approach which its report revealed. He endorsed the view of Belgium as a sort of laboratory for the transition of a State from a unitary to a federal structure and he pointed out that the Belgian experience could have avoided bloody conflict in a certain European State.

65. He asked the Belgian delegation, considering the fact that its country did not recognize the existence of national minorities, what Belgium's attitude was to the obligations deriving from the many provisions of international legal instruments concerning the rights of national minorities. He associated himself with earlier speakers' requests for information on specific case law.

66. Mr. YUTZIS said he wondered what exactly was meant by the second part of paragraph 22 of the report. He would like the Belgian delegation to state clearly whether or not the judicial authorities could order the dissolution of associations advocating racism and xenophobia.

67. Mr. GARVALOV said that Belgium's experience was of great interest to the European countries currently undergoing far-reaching changes. He would like to know whether international human rights instruments were directly applicable in Belgian domestic legislation and, if not, what kind of juridical procedure, if any, was provided for in order to ensure their implementation. He did not understand how ministers of religion could be appointed when there was a separation of the Church and the State. He was also surprised to see, among the countries that had not made the declaration provided for under article 14 of the Convention, a European State which was a member of the Council of Europe and had ratified the European human rights Convention and recognized the competence of the European Court. He hoped that Bulgaria, which had recently been admitted to the Council of Europe, would recognize that competence and would make the declaration under article 14 of the Convention. In conclusion, he pointed to the need to develop a definition of the term "minorities".

68. The CHAIRMAN said that Committee members' questions and comments on the report of Belgium showed how interested they were in the very detailed Belgian report, and trusted that the Belgian delegation would be kind enough to respond.

69. He also announced that he would be distributing to the members of the Committee the text of a study entitled "Actualité du Comité des Nations Unies pour l'élimination de la discrimination raciale" which Mr. de Gouttes had published in the Revue générale de droit international public, 1992.

70. Mr. de GOUTTES urged Committee members likewise to circulate any articles they might have published.

The meeting rose at 5.55 p.m.